

CHAPTER 17

SHUCKER-PACKER

- Bullets are **notes** indicated in **blue** for clarification.
- The section number for an existing regulation is noted in brackets [17.01].
- New text or changes proposed in accordance with the **NSSP** compared to the existing regulations are indicated in **red italics**.
- New text or changes proposed by the **Department** in addition to the NSSP are indicated in **bold plum and underlined**.
- The electronic copy is available at www.maine.gov/dmr/

Chapter 17 Shucker-Packer

- **Chapter 17 has been updated for compliance with the NSSP and HACCP rules per federal regulations.**
- **The physical plant equipment/handling sections have been consolidated into Chapter 16.**
- **Labeling requirements have been consolidated into Chapter 15.**
- **Chapter 17 defines what shucker-packers are authorized to do. This Chapter is in part a subset of the certified dealer authorizations.**

17.01 [15.02, 17.05] Compliance

- A. Each dealer shall comply with all other shellfish laws and regulations relating to shellfish handling and sanitation, including, but not limited to, the requirements specified in Chapter 15, Chapter 16, and Chapter 18 that are appropriate to the plant and the food being processed.**
- B. A violation of this regulation shall be punishable as a Class D crime, as provided by 12 M.R.S.A. §6204, or by license enforcement actions in **District Court or by the Department**, and may result in the imposition of fines by the District Court for regulation violations or non renewal of a shellfish certificate. **[same comments as on other chapters...this shouldn't be in the final rule]**

Section 17.02: Updated to define who may receive product and from whom.

17.02 [17.01] Shucker-Packer

The holder of a shucker-packer certificate may harvest, pack, purchase, sell, store, hold, ship, or transport shellfish, whether in shellstock or shucked form. A shucker-packer may shuck shellfish but may not repack shucked shellfish obtained from other certificate holders.

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- **Section 17.03: Updated with critical limits in compliance with the NSSP, HACCP and the federal CFR's.**
- **This section defines who may receive product and from whom and how it is identified.**

17.03 Receiving Critical Control Point – Critical Limits.

The shucker-packer shall shuck and pack only shellstock which is:

A. Obtained from a licensed harvester who has:

- 1. harvested the shellstock from an approved or conditionally approved area in the open status as indicated by the tag; and***
- 2. identified the shellstock with a tag on each container or transaction record on each bulk shipment; or***

B. Obtained from a certified dealer who has identified the shellstock with a tag on each container.

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- **Section 17.04: New section added with critical limits in compliance with the NSSP, HACCP and the federal CFR's. This section updates storage methods.**

17.04 *Shellstock Storage Critical Control Point – Critical Limits.*

- A. If onshore wet storage is practiced, water quality must meet the requirements outlined in Chapter 15.34 and/or Chapter 15.35; and***
- B. If nearshore wet storage is practiced, water quality must meet the requirements outlined in Chapter 15.34; and***
- C. Once placed under temperature control and until sale to the processor or final consumer, shellstock shall:***
 - 1. Be placed and stored in a storage area or conveyance with mechanical refrigeration and maintained at 45 °Fahrenheit (7.2 °Centigrade) or less; and***
 - 2. Not be permitted to remain without ice for more than 2 hours at points of transfer such as loading docks.***

- **Section 17.05: Updated with critical limits in compliance with the NSSP, HACCP and the federal CFR's.**
- **This section includes the benchmarks of time and temperature for various processing methods.**

17.05 *Processing Critical Control Point - Critical Limits.*

- A. For shellstock which has not been refrigerated prior to shucking, the shucker-packer shall, chill shucked meats to an internal temperature of 45 °F (7.2 °C) or less within 3 hours of shucking.***
- B. For shellstock refrigerated prior to shucking, shucked meats shall be chilled to an internal temperature of 45 °F (7.2 °C) or less within four hours of removal from refrigeration.***
- C. If heat shock/hot dip is used, once heat shocked/hot dipped shellstock is shucked, the shucked shellfish meats shall be cooled to 45 °F (7.2 °C) or less within two hours after the heat shock process.***

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- **Section 17.06: Updated with critical limits in compliance with the NSSP, HACCP and the federal CFR's.**
- **This section includes the benchmarks of time and temperature after processing.**

17.06 [17.04(C)&(D)] Shucked Meat Storage Critical Control Point - Critical Limit.

The shucker-packer shall store shucked and packed shellfish in covered containers off the floor and at an ambient air temperature in the storage area of 45 °F (7.2 °C) or less.

- A. In the event that shellfish have been frozen, the frozen shellfish shall be held at or below 0 °F.***
- B. Once placed under temperature control and until sale to the processor or final consumer, shucked shellfish shall:***
 - 1. Be placed and stored in a storage area or conveyance with mechanical refrigeration and maintained at 45 °F (7.2 °C) or less; and***
 - 2. Not be permitted to remain without ice for more than 2 hours at points of transfer such as loading docks.***

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- Section 17.07 describes the hot process limits. The hot process method must be posted at the facility, the same as existing rules. This section has also been updated with the NSSP. Hot process must be conducted inside the facility for sanitation control.

17.07 [17.04] Heat Shock/Hot Dip Process

A shucker-packer may elect to use heat shock/hot dip to prepare shellstock for shucking.

A. The shucker-packer shall:

1. [17.05(1)] Post the schedule for the heat shock/hot dip process in a conspicuous location;
2. Make sure all responsible persons are familiar with the requirements; and
3. Cool all heat shocked/hot dipped shellstock immediately after the heat shock/hot dip process. This cooling shall be accomplished by:
 - (a) dipping in an ice bath; or
 - (b) use of flowing potable water.

B. *If a heat shock water tank is used, and the water is maintained at or above 140 °F the shucker-packer shall completely drain and flush the tank at the end of the day's operation so that all the mud and debris, which have accumulated in the dip tank, are eliminated.*

(a) If the temperature is maintained below 140 °F in the hot dip/heat shock tank, the dealer shall completely drain and flush the tank at three-hour intervals.

C. The heat shock/hot dip process shall not:

1. Change the physical or organoleptic properties of the species;
2. Kill the shellfish prior to shucking; **or**
3. Increase microbial deterioration of the shucked shellfish.

D. [17.05(2)] The heat shock process shall be conducted inside the certified facility.

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- Section 17.08 is new in compliance with the NSSP to meet the requirements of shucking time and temperature constraints. Waivers used in the past have not been successful or enforceable.

17.08 Other Requirements

A. The shucker-packer shall have an ice machine installed in compliance with state and local plumbing codes.